REMARKS

The Applicants and the Examiner held a telephonic interview on February 20, 2008. At this interview, the 35 USC §103(a) rejections and proposed claim amendments with regards to claims 1-11 and 21-31 were discussed. Discussion was also had regarding term definitions, distinguishing over the cited art, and tangibility. Agreement was not reached on claim amendments, however, Applicants and Examiner agreed on a potential issue of allowability. Applicants thank the Examiner for his time and thoughtful comments.

Claims 1-5 and 8-11 are amended to claim a computer-readable storage medium comprising computer-executable instructions thereon for performing a method. Support for these amendments may be found in the specification [0022]-[0023], [0026] and Figure 1.

Claims 1 and 21 are amended to more specifically define the terms "identity confidence." Support for the definition of "identity confidence" may be found in [0037] of the specification.

Claims 6-7, 23 and 29 are canceled.

Further amendments to the claims are discussed below.

Thus, claims 1-5, 8-11, 21-22, 24-28 and 30-31 are pending in this application.

Claim Rejections Under 35 USC §103(a)

Claims 1-11 and 21-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Reid* US Patent No. 6,182,226 ("Reid") and *Tachibana* US Patent 6,480,963 ("Tachibana") and *Labuschagne et al.* ("Labuschagne").

In response, elements from original dependent claims 6 and 7 are incorporated into independent claim 1. Elements from original dependent claim 23 and 29 are incorporated into independent claim 21. Claims 6, 7, 23 and 29 are canceled. Claims 9 -11 are amended to reflect the changes to independent claim 1. No new material is added with these claim amendments.

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Claims 1-5, 8-11:

According to the MPEP § 2143.03, "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Applicants submit that no combination of Reid, Tachibana and Lasbuschagne teaches or suggests each and every element of amended claim 1. For example, Applicants submit that no combination of Reid, Tachibana and Lasbuschagne teaches or suggests, *inter alia*: "each network attribute associated with at least one identity confidence modifier," and

> determining an identity confidence for each issued network identifier with respect to at least one current computer network, the identity confidence for each issued network identifier comprising a probability of correct identification of the at least one current computer network, and the step of determining the identity confidence comprising:

> for each current computer network and each network attribute, applying at least one of said at least one identity confidence modifier associated with the network attribute to the identity confidence of each issued network identifier if the value of the network attribute of the computer network identified by the issued network identifier matches the value of the network attribute of the current computer network, wherein applying the at least one of said at least one identity confidence modifier to the identity confidence comprises transforming the identity confidence in accordance with the identity confidence transformation specified by the identity confidence modifier,

as recited by amended claim 1.

The Office action has established that Reid is not explicit about "identity confidence" in the sense of the claim (Office action, page 4, lines 3-4). Thus, Reid does not teach "determining an identity confidence for each issued network identifier with respect to at least one current computer network, the identity confidence for each issued network identifier comprising a probability of correct identification of the at least one current computer network," as recited by amended claim 1. It also follows, then, that if Reid is not explicit about "identity confidence," Reid cannot be explicit about an "identity confidence modifier" that operates on identity confidences. Thus, Reid cannot teach "each network attribute associated with at least one identity confidence modifier" or "applying at least one of said at least one identity confidence modifier associated with the network attribute to the identity

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confidence of each issued network identifier if the value of the network attribute of the computer network identified by the issued network identifier matches the value of the network attribute of the current computer network, wherein applying the at least one of said at least one identity confidence modifier to the identity confidence comprises transforming the identity confidence in accordance with the identity confidence transformation specified by the identity confidence modifier," as recited in amended claim 1.

The Office action cited Tachibana (abstract, figure 2, 7-10, column 2, line 50 to column 3, line 25, column 7, line 6 to column 10, line 21) as teaching identity confidences. The cited sections of Tachibana discuss a data "confidentiality level" (Tachibana Fig. 2 15b, Fig. 7 15b, etc.). The confidentiality level of Tachibana is a numerical value based upon a company's security policy (Tachibana col. 1, lines 30-33, col. 1, lines 58-61), e.g., how confidential is this information, who should or should not have access to this information, etc. The importance of information in relation to a company's security policy is determined by people and assigned to stored data (Tachibana col. 8, lines 53-62) to be used in secure data transmissions.

The "identity confidence" of the pending application, however, is not related to a company's security policy, nor is its level determined by people. An identity confidence is disclosed by amended claim 1 as "comprising a probability of correct identification of the at least one current computer network." The identity confidence, i.e., the probability that a network identity is actually what the system thinks it to be, is determined by the system and based upon a comparison of current and previous sets of network attributes as described by paragraph [0038], Figure 6 and [0054]-[0057], steps 710 and 708 of Figure 7, step 806 of Figure 8, steps 910 and 908 of Figure 9, and step 1010 of Figure 10. These sections and figures of the pending application provide lengthy detail on the steps to determine and adjust the identity confidences associated with a network identifier.

Specifically, the language of amended independent claim 1 calls for "determining an identity confidence for each issued network identifier with respect to at least one current computer network…comprising for each current computer network and each network attribute, applying at least one of said at least one identity confidence modifier associated with the network attribute to the identity confidence of each issued network identifier if the value of the network attribute of the computer network identified by the issued network

identifier matches the value of the network attribute of the current computer network..."
Tachibana does not appear to teach, suggest, or disclose this element, as Tachibana's
confidentiality level is assigned by people *a priori* and assigned to stored data. Tachibana
does not teach, suggest or disclose the determination of confidentiality levels being
performed by computer-executable instructions, nor does Tachibana teach, suggest or
disclose the confidentiality levels being determined by applying identity confidence
modifiers, as (summarily) recited in amended claim 1.

Indeed, Tachibana does not appear to teach, disclose or suggest "each network
attribute associated with at least one identity confidence modifier," as recited in amended
claim 1. As previously discussed, Tachibana's confidentiality levels are determined by
people, and Applicants find no mention of an identity confidence modifier or using the
identity confidence modifier to transform the identity confidence in Tachibana, let alone
applying a confidence modifier to determine a confidentiality level. Tachibana's
confidentiality levels are related to levels of security and not to the identity of a network, as
claimed in the present disclosure.

Lasbuschagne, page 351, section 2.2.1 "Source and destination ports" last two
paragraphs was relied on by the Office action at page 4 as also teaching identity confidence.
The cited Lasbuschagne passages discuss different services and ports as having different risk
values, which the Office action construes to be the "identity confidence" of amended claim 1.
The cited passages of Lasbuschagne, however, do not appear to teach, disclose or suggest the
additional element of an identity confidence modifier associated with a network attribute, as
(summarily) recited in amended claim 1. Furthermore, Lasbuschagne does not appear to
teach, disclose or suggest applying the identity confidence modifier to determine the risk
level (i.e., the "identity confidence" of claim 1), as further (summarily) recited in amended
claim 1. Indeed, because the cited passages of Lasbuschagne are silent on how risk values
are determined, Lasbuschagne is not an enabling reference even if it did relate to identity
confidence modifiers.

Therefore, no combination of Reid, Tachibana and Lasbuschagne teaches, discloses or
suggests each and every element of amended independent claim 1. For at least this reason
and for additional reasons, Applicants respectfully submit that amended claim 1 is allowable
under 35 U.S.C.§103(a) over Reid, Tachibana and Lasbuschagne.

Claims 2, 5, 8, 9 and 10 depend from amended independent claim 1. Claims 3 and 4 depend from claim 2, and claim 11 depends from claim 10. 35 U.S.C. §112, ¶4 states that "A claim in dependent form ... specif[ies] a further limitation ... [and] shall be construed to incorporate by reference all the limitations of the claim to which it refers." Therefore, dependent claims 2-5 and 8-11 incorporate by reference all limitations of their respective independent claims. Applicants respectfully assert that dependent claims 2-5 and 8-11 are also allowable at least for reasons similar to those discussed for amended independent claim 1.

Claims 21-22, 24-28, 30-31:

Claim 21 is amended to incorporate elements from original claims 23 and 29, including, *inter alia,*

> the identity confidence for each issued network identifier comprising a probability of correct identification of the at least one current computer network;

> maintain a set of identity confidence modifiers, the set of identity confidence modifiers comprising at least one identity confidence modifier for each network attribute in the set of current network attributes, each at least one identity confidence modifier specifying a transformation of at least one identity confidence; and

> apply at least one identity confidence modifier to the at least one identity confidence, comprising transforming the at least one identity confidence in accordance with the transformation specified by the at least one identity confidence modifier.

Applicants respectfully submit that for reasons similar to amended independent claim 1, amended independent claim 21 is also allowable under 35 U.S.C. §103(a) over Reid, Tachibana and Lasbuschagne.

Claims 22, 24, 30 and 31 depend from claim 21. Claim 25 depends from claim 24, claims 26 and 28 depend from claim 25, and claim 27 depends from claim 26. Dependent claims 22, 24-28 and 30-31 incorporate by reference all limitations of their respective independent claims. Applicants respectfully assert that dependent claims 22, 24-28 and 30-31 are also allowable at least for reasons similar to those discussed for amended independent claim 21.

CONCLUSION

In view of the above amendment and arguments, the applicant submits the pending application is in condition for allowance and an early action so indicating is respectfully requested.

The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855, under Order No. 30835/301726, from which the undersigned is authorized to draw.

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Respectfully submitted,

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